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2023 MAR -8 AM 9:07

CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

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CR23-00320 TUC-JAS(BGM)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Brian Jesus Hernandez,

Defendant.

No.

INDICTMENT

VIO: 18 U.S.C. §§ 922(a)(1)(A), 923(a) and
924(a)(1)(D)
(Engaging in the Business of Dealing
Firearms Without a License)
Count 1

26 U.S.C. §§ 5861(i) and 5871
(Possessing a Firearm Not Identified by
a Serial Number)
Count 2

18 U.S.C. §§ 922(o)(1) and 924(a)(2)
(Possession of a Machinegun)
Count 3

18 U.S.C. § 924(d);
28 U.S.C. § 2461(c)
Forfeiture

THE GRAND JURY CHARGES:

COUNT 1

From in or about August 2022 to February 2023, in the District of Arizona, defendant BRIAN JESUS HERNANDEZ, not being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of dealing in firearms, in violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

COUNT 2

On or about November 17, 2022, in the District of Arizona, defendant BRIAN JESUS HERNANDEZ, knowingly possessed a firearm, to wit, a Polymer 80 PF940C 9mm pistol, not identified by a serial number as required by Chapter 53 of Title 26, in violation of Title 26, United States Code, Sections 5861(i) and 5871.

COUNT 3

On or about February 6, 2023, in the District of Arizona, the defendant, BRIAN JESUS HERNANDEZ, did knowingly and unlawfully possess a part designed and intended solely and exclusively for use in converting a weapon into a machinegun, to wit: an auto-sear, no marked serial number. All of which is in violation of Title 18, United States Code, §§ 922(o)(1) and 924(a)(2)

FORFEITURE ALLEGATION

Upon conviction of Count One of the Indictment, the defendant, BRIAN JESUS HERNANDEZ, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), any firearms and receivers involved in the commission of the offense, including, but not limited to:

Line #	Asset Description	Serial Number
1	Century Arms International VSKA, .762 caliber pistol	SV7P009685
2	Pioneer Arms Corporation (Radom, Poland) Sporter .762 caliber rifle	PAC1172870
3	Romarm/Cugir Micro Draco .762 caliber pistol	PMD-17299-19RO
4	Ruger Mark II, 22 caliber pistol	272-19280
5	Unknown Manufacturer AR15 Auto Sear Machine Gun	None
6	Two (2) 3D Printed "Glock Switches" Unknown Machine Gun	Unknown

7	(36) Polymer80, INC. (P80 tactical P80) PF940C multi-caliber receivers/frames	None
8	Unknown Manufacturer Unknown Type Unknown caliber Receiver/Frame	None

If any of the property described above, as a result of any act or omission of the defendant: a) cannot be located upon the exercise of due diligence; b) has been transferred or sold to, or deposited with, a third party; c) has been placed beyond the jurisdiction of the court; d) has been substantially diminished in value; or e) has been commingled with other property which cannot be divided without difficulty, it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property, including, but not limited to, all property, both real and personal, owned by the defendant.

All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code, Section 2461(c) and Rule 32.2(a), Federal Rules of Criminal Procedure.

A TRUE BILL

/s/

FOREPERSON OF THE GRAND JURY
Dated: March 8, 2023

GARY M. RESTAINO
United States Attorney
District of Arizona

/s/

REDACTED FOR
PUBLIC DISCLOSURE

CRAIG H. RUSSELL
Assistant U.S. Attorney